REMARKS

Claims 32 – 41, 43, 44, 46 and 53 - 60 are presently before the examiner.

35 USC § 102(b) rejection of claim 32 – 35, 38 – 41, 44, 46, 53 – 59 and 60

The examiner has rejected claim 32 – 35, 38 – 41, 44, 46, 53 – 59 and 60 under § 102(b) as being anticipated by Okada, et al. (U.S. Pat. 5,202,352). In the examiner's view Okada, et al. teach a precursor composition that comprises different compositions, such as oils, salts of metals, wax, or synthetic or natural polymers, that include polypeptides, polysaccharides, poly-fatty acid esters, polyamino acids, polyaldehydes, polyvinyl polymers, copolymer of lactic acid and glycolic acid etc. and a biologically active compound to form emboli in the vascular system (Okada, et al., claims 10 – 12 and the description in columns 7 - 9). The examiner further opines the Okada, et al. teach the molecular weight of the polymer to be in the range of 1,000 to 100,000 and concentration to be in the 1 to 80% range (Okada, et al., columns 7 – 11). Finally, the examiner is of the opinion that the Okada, et al. teach that their composition could be administered via catheter (Okada, et al, column 11, lines 1 – 25) and different solvents.

Applicants' response

Applicants have amended the claims, which renders the rejection moot. The examiner is requested to reconsider and withdraw the rejection.

35 U.S.C. § 103 rejection of claims 32 – 60

The examiner has rejected claims 32 – 60 under § 103 as being unpatentable over Okada, et al. in view of Cragg, et al.[1] (U.S. Pat. No. 6,558,367 B1), Whalen, et al. (U.S. Pat. 6,531,111 B1), Cragg, et al.[2] (U.S. Pat. No. 6,146,373), Greff, et al. (U.S. Pat. No. 6,015,541) and Murayama, et al. (U.S. Pat. No. 5,891,192). The examiner then iterates the above purported teachings of Okada, et al. and notes that Okada, et al. do not teach a composition comprising fibronectin. The examiner then opines that the other art of record indicated above teaches embolizing compositions that comprise a precursor composition, a biocompatible solvent and a therapeutic composition. In addition the examiner is of the opinion that the cited art teaches using a catheter for delivery of the composition and that the embolizing compositions were used to deliver "therapeutic compositions comprising a therapeutic protein or a radioisotope of other

agents." Further the examiner noted that Murayama, et al. teaches coating occlusion coils with adhesive proteins, such as fibronectin. The examiner then states that, in the examiner's opinion, it would have been obvious to modify the composition of Okada, et al. and prepare compositions that have different polymers or different therapeutic proteins, such as fibronectin and have a molecular weight of 10,000 – 100,000 and have 5 – 50% polymer concentration and comprise biocompatible solvents, such as ethanol or DMSO.

Applicants' response

Applicants have amended the claims, thereby rendering the rejection moot. The examiner is requested to reconsider and withdraw the rejection.

CONCLUSION

Based on the amendments to the claims provided herewith and above remarks, applicant believes that claims 32 - 41, 43, 44, 46, 53 – 55 and 59 are in condition for allowance and respectfully request that these claims be passed to issue.

Applicants request a one month extension of time within which to submit this response. The Commission is authorized to charge the fee due for such extension to Bingham McCutchen Deposit Account No. 50-2518, Billing Reference No. 269/106.

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Respectfully submitted,

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By: 

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